

AARON HANCOCK (SBN 160937)
BISHOP | BARRY
A Professional Law Corporation
6001 Shellmound Street, Suite 875
Emeryville, California 94608

Telephone: (510) 596-0888
Facsimile: (510) 596-0899
E-mail: ahancock@bishop-barry.com

Special counsel for Chapter 11 Trustee
Randy Sugarman

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE YELLOW CAB COOPERATIVE,
INC., aka ALL TAXI ELECTRONICS,

Debtor.

Case no. 16-30063 DM

Chapter 11 / Hearing requested

**FINAL APPLICATION BY AARON
HANCOCK FOR PAYMENT AS AN
EXPENSE OF ADMINISTRATION;
DECLARATIONS IN SUPPORT**

Date: August 31, 2018

Time: 9:30 a.m.

Courtroom: 17 San Francisco (Montali)

Comes now Aaron Hancock of Bishop | Barry and applies to the United States Bankruptcy Court, pursuant to 11 U.S.C. Section 503(b)(4), for an order approving on a final basis: (1) the interim payment of \$11,180.00 in fees and costs awarded per the court's order of January 19, 2018 and (2) the \$29,235.33 in fees and costs sought with this application.

1 INTRODUCTION.

The Applicant is Aaron Hancock of Bishop | Barry, a professional law corporation. On October 20, 2017, the United States Bankruptcy Court approved, *nunc pro tunc*, applicant's employment as special counsel for Trustee Randy Sugarman. The application for compensation is the second filed by the Applicant. With this application, the Applicant seeks payment of

1 \$29,235.33 consisting of \$26,390.00 in attorneys' fees for services rendered and \$2,845.33 in costs
2 incurred between November 1, 2017 and June 30, 2018.

3 Applicant has not received any compensation from the bankruptcy estate or from any other
4 source for services rendered or costs advanced in this bankruptcy case.

5
6 **2 REQUEST FOR COMPENSATION.**

7 As detailed on the invoices submitted as Exhibit "B" to the declaration of Aaron Hancock,
8 the Applicant has spent 81.2 total hours of time during the application period performing services
9 on behalf of the Trustee. The time spent by the Applicant was necessary and reasonable to
10 accomplish the tasks provided to the applicant by the Trustee.

11 No agreement has been made by the Applicant and/or his law firm and no understanding
12 exists with respect to a division of fees with any third person or persons. The only agreement the
13 Applicant has entered into with respect to fees or compensation to be paid has been with the
14 Trustee. That agreement duly was submitted to the court with the Trustee's original application for
15 appointment of the Applicant as special counsel.

16
17 **3 DESCRIPTION OF SERVICES.**

18 Ongoing services provided by the Applicant fall into the following general categories:

19 •Insuring that notices of automatic stay are filed in Superior Court actions against Yellow
20 Cab Cooperative, Inc. and that no state court proceedings to perfect judgments against Yellow Cab
21 Cooperative are ongoing for accidents occurring on dates when Yellow Cab Cooperative, Inc. did
22 not carry traditional insurance.

23 •Communicating and coordinating with insurance defense counsel in claims arising out of
24 accidents occurring on dates when Yellow Cab Cooperative, Inc. did hold traditional insurance and
25 making sure the defense counsel have taken appropriate steps to insulate Yellow Cab Cooperative,
26 Inc. when those claims potentially exceed the available insured policy limit.

27 //

28 //

1 •Communicating and coordinating with counsel for tort claimants against the bankruptcy
2 estate to confirm submission of proofs of claim within extension periods negotiated by the Trustee.

3 •Solicitation of demands from counsel for tort claimants against the bankruptcy estate.

4 •Analysis of demands from tort claimants against the bankruptcy estate, including review
5 and analysis of healthcare records and employment records provided by claimants.

6 •Directly advising the Trustee as to the value of tort claims via written and oral
7 communications.

8 •Directly participating in the Trustee's negotiations with tort claimants when negotiations
9 involve complex medical issues outside the Trustee's specific field of expertise.

10 •Obtaining reimbursement of a cash deposit filed with the San Francisco Superior Court in
11 lieu of an undertaking upon appeal of an underlying Superior Court judgment.

12 •Advising the directors of Yellow Cab Cooperative, Inc. of efforts by tort claimants to
13 pierce the corporate veil against them.

14 Consistent with the foregoing, billings have been submitted to the Trustee under the
15 following headings with the following activity reflected in the invoices submitted as Exhibit "B:"

16 *Yellow Cab Cooperative General Matters*, file 363-11576, \$11,082.50/34.1 hours: The
17 Applicant prepared the initial fee application and provided general advice to both the Trustee and
18 the debtor on a number of subjects including, but not limited to, steps necessary to divert state
19 court litigation into the United States Bankruptcy Court and proper methods of securing dismissal
20 of pending Superior Court litigation.

21 *Sam Glasman v Yellow Cab Cooperative*, file 363-11576, \$162.50/0.5 hours: The
22 Applicant secured and processed a dismissal of a cross-action commenced by Yellow Cab
23 Cooperative, Inc. in Superior Court.

24 *Catherine Kinney v Yellow Cab Cooperative, Inc.*, file 363-11603, \$1,365.00/4.2 hours:
25 The Applicant interfaced with the Trustee, the plaintiff, and a third party subrogation lien claimant
26 with respect to the impact of the bankruptcy on a pending ERISA lien.

27 //

28 //

1 *Lorenzo Parada v Yellow Cab Cooperative, Inc.*, file 363-11617, \$1,495.00/4.6 hours: The
2 Applicant reviewed and analyzed demand materials from plaintiff and assisted the Trustee in
3 negotiating a \$500,000.00 demand down to an \$18,000.00 resolution.

4 *Forrest Allen v Yellow Cab Cooperative, Inc.*, file 363-11617, \$2,047.50/6.3 hours: The
5 Applicant interfaced with the Trustee and two plaintiffs with respect to the impact of their failure to
6 file a proof of claim in the face of insistence by plaintiffs that the matter could be litigated in
7 Superior Court.

8 *Peter Hom v Pandad Abhikari*, file 363-11630, \$1,690.00/5.2 hours: The Applicant
9 pursued demand materials on behalf of the Trustee and interfaced with both the Trustee and
10 plaintiff with respect to the procedure for filing a proof of claim. The Applicant reviewed and
11 analyzed demand materials from plaintiff and assisted the Trustee in negotiating a \$150,000.00
12 demand down to a \$35,000.00 resolution.

13 *Sufyan Alsharif v Yellow Cab Cooperative, Inc.*, file 363-11654, \$780.00/2.4 hours: The
14 Applicant pursued demand materials on behalf of the Trustee and interfaced with both the Trustee
15 and plaintiff with respect to the procedure for filing a proof of claim.

16 *Fares Abdulrab v Wilson Villett*, file 363-11675, \$1,040.00/3.2 hours: The Applicant
17 pursued demand materials on behalf of the Trustee and interfaced with both the Trustee and the
18 plaintiff with respect to the procedure for filing a proof of claim. The Applicant reviewed and
19 analyzed demand materials from plaintiff and assisted the Trustee in negotiating a gross a
20 \$138,437.14 demand down to a \$30,000.00 resolution.

21 *Valentin Isaev v Yellow Cab Cooperative, Inc.*, file 363-11678, \$1,105.00/3.4 hours: The
22 Applicant pursued demand materials on behalf of the Trustee and interfaced with both the Trustee
23 and the self-represented plaintiff with respect to the procedure for filing a proof of claim. The
24 Applicant reviewed and analyzed demand materials from a self-represented plaintiff and assisted
25 the Trustee in negotiating a \$299,000.00 demand.

26 *Patrick Reyes v Yellow Cab Cooperative, Inc.*, file 363-11679, \$1,137.50/3.5 hours: The
27 Applicant pursued demand materials on behalf of the Trustee and interfaced with both the Trustee
28 and the self-represented plaintiff with respect to the procedure for filing a proof of claim. The

1 Applicant reviewed and analyzed demand materials from two plaintiffs and assisted the Trustee in
2 negotiating a \$46,111.00 gross demand down to a \$33,500.00 gross resolution.

3 *Fabio Rezende v Mohamed Ghathi*, file no. 363-11697, \$3,770/11.6 hours: The applicant
4 prepare and argued a motion seeking return from the San Francisco Superior Court of a cash
5 deposit in the amount of \$322,569.00 filed with the clerk in lieu of an undertaking on appeal.

6 *Ralph Olivero v Yellow Cab Cooperative, Inc.*, file no. 363-11744, \$715.00/2.2 hours: The
7 applicant corresponded with former directors of Yellow Cab Cooperative, Inc. to advise that
8 plaintiff, who obtained a judgment in Superior Court prior to bankruptcy, was pursuing a motion to
9 add the directors as additional judgment debtors and that the Trustee was not positioned to resist
10 these efforts.

11
12 WHEREFORE, applicant requests that he be allowed, as an expense of administration
13 pursuant to 11 U.S.C. Section 503(b)(4), total compensation of \$29,235.33 consisting of
14 \$26,390.00 in attorneys' fees for services rendered and \$2,845.33 for costs incurred between
15 November 1, 2017 and June 30, 2018 and that the allowed amount be paid through the bankruptcy
16 estate.

17 DATED: July 25, 2018

BISHOP | BARRY

18
19
20 /S/ Aaron Hancock
AARON HANCOCK
21 Special counsel for Chapter 11 Trustee Randy
22 Sugarman
23
24
25
26
27
28

DECLARATION OF AARON HANCOCK

1
2 1. I am an attorney at law, duly licensed to practice in California and before the United
3 States District Court for the Northern District of California. As such, I am an employee of Bishop |
4 Barry, a law firm located in Emeryville, California. This declaration is submitted pursuant to
5 guideline no. 8 of the Guidelines for Compensation and Expense Reimbursement of Professionals
6 and Trustees issued by the United States Bankruptcy Court for the Northern District of California
7 (“Guidelines”).

8 2. I was appointed on October 19, 2017 as special counsel for Trustee Randy
9 Sugarman at a billable rate of \$325.00 per hour. As set forth in my application for appointment, I
10 was retained to advise the Trustee as to the value of tort claims asserted the bankrupt debtor,
11 Yellow Cab Cooperative, Inc. and otherwise advise the Trustee and the debtor with respect to
12 ongoing issues pertinent to Superior Court litigation against the debtor and the processing of tort
13 claims. There has been one previous request for compensation, which was approved by the United
14 States Bankruptcy Court in its entirety.

15 3. I am seeking reimbursement of \$29,235.33 from the bankruptcy estate of Yellow Cab
16 Cooperative, Inc. as a special expense of administration pursuant to 11 U.S.C. Section 503.
17 Submitted contemporaneously with this declaration at Exhibit “A” is a ledger AR fee and cost
18 breakdown which recapitulates billing statements submitted to the Trustee for services rendered
19 between November 1, 2017 and June 30, 2018. Copies of the statements themselves are submitted
20 collectively as Exhibit “B.” There is one “general matters” file, which captures miscellaneous
21 activity. Otherwise, I created a separate file for each claim. The files are named in accordance
22 with the corresponding San Francisco Superior Court lawsuit. Where the first named defendant in
23 the lawsuit is not Yellow Cab Cooperative, Inc., the first named defendant is a former driver for
24 Yellow Cab Cooperative, Inc. and Yellow Cab Cooperative, Inc. is a subsequently named
25 defendant. Expenses for postage are billed at actual cost and copies are billed at \$0.10 per page.

26 //

27 //

28 //

4. I have read the application and the accompanying exhibits. To the best of my knowledge, information and belief, formed after reasonable inquiry, the compensation and expense reimbursement sought is in conformity with the Guidelines, and the compensation and expense reimbursement requested are billed at rates, in accordance with practices, no less favorable than those customarily employed by my office and generally accepted by my clients.

5. The statements presented with Exhibit "B" all describe work performed in a task-based format with a minimum billing increment of one tenth of an hour. Each of the statements has been submitted to the Trustee for review and audit, and the Trustee has not objected to any of the items on any of the statements. Submitted at Exhibit "C" is correspondence of July 24, 2018 to the Trustee advising the Trustee of his review and objection rights. The correspondence was transmitted to the Trustee via e-mail on July 24, 2018.

6. My work on behalf of the Trustee is described in the payment application above, which is incorporated by reference as though it were part of this declaration. All of the work I have performed has been reasonably necessary as an expense of administration and meets the criteria for reimbursement at 11 U.S.C. Section 503(b)(4).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this twenty fourth day of July 2018, in Emeryville, California.

/S/ Aaron Hancock
AARON HANCOCK

TRUSTEE'S STATEMENT RE: REVIEW OF FEE APPLICATION

(U.S. Trustee Guidelines, ¶ 2.2.2)

I, Randy Sugarman, hereby certify that I am the duly appointed trustee in the above captioned matter and that I have read the foregoing Chapter 11 fee application of Aaron Hancock, special counsel for me in the foregoing bankruptcy case. I have no objections to that fee application or the fees and costs requested therein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this twenty fourth day of June 2018, in San Francisco, California.

/S/ Randy Sugarman
RANDY SUGARMAN